

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FRANZ MOLEON,

Plaintiff,

-v-

PRESIDENT FRED ALSTON, et al.,

Defendants.

21 Civ. 1398 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On May 25, 2021, defendants Fred Alston as President of Garage Employees Local 272 *affil'd* International Brotherhood of Teamsters and Local 272 John Doe 1, filed a motion to dismiss the complaint under Rule 12 of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that plaintiff shall file any amended complaint by June 15, 2021. No further opportunities to amend will ordinarily be granted. If plaintiff does amend, by July 6, 2021, defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiff, stating that they rely on the previously filed motion to dismiss.¹

It is further ORDERED that if no amended complaint is filed, plaintiff shall serve any opposition to the motion to dismiss by June 15, 2021. Defendants' reply, if any, shall be served by June 29, 2021. At the time any reply is served, the moving party shall supply the Court with a

¹ If defendant files a new motion to dismiss or rely on their previous motion, plaintiff's opposition will be due 14 days thereafter, and defendant's reply, if any, will be due seven days after that.

courtesy copy of all motion papers by attaching them as PDF files to a single email addressed to EngelmayerNYSDChambers@nysd.uscourts.gov.

The Court will determine later, after receipt of plaintiff's anticipated brief opposing a motion to dismiss the current or amended complaint, whether to schedule oral argument.

SO ORDERED.

A handwritten signature in black ink, reading "Paul A. Engelmayer". The signature is written in a cursive, flowing style. The first name "Paul" is written in a larger, more prominent script, followed by "A." and "Engelmayer". The signature is positioned above a horizontal line.

PAUL A. ENGELMAYER
United States District Judge

Dated: May 25, 2021
New York, New York